

Appl. No. 10/602,279

Remarks/ Arguments

Upon entry of the foregoing amendments, claims 1, 3 to 7, 10, 11, 13, and 14 will be pending in the present patent application. The recitations of Claim 2 have been incorporated into Claim 1. Claim 4 has been amended to correct a grammatical error. Claims 8, 9, and 12 have been canceled, without prejudice. The dependency of Claim 3 has been amended.

The Action includes a single rejection under 35 U.S.C. § 101. In view of the foregoing amendments and the following remarks, reconsideration and withdrawal of the rejection is requested respectfully.

Allowable Subject Matter

The claims have been amended such that the only pending claims are those claims that were indicated as allowed in the Action (Action at 2). Accordingly, despite the fact that prosecution on the merits has been closed, the foregoing amendments should be entered because they place the present application in condition for allowance pursuant to 37 C.F.R. § 1.116 and MPEP § 714.12.

Discussion of the Rejection Under 35 U.S.C. § 101

Claims 1, 8, 9, and 12 have been rejected under 35 U.S.C. § 101 as allegedly claiming the same invention as that of Claims 28, 6, 7, and 25, respectively, of prior U.S. Patent No. 6,858,697 ("the 697 patent"), of which the present application is a continuation-in-part. Although Applicants disagree respectfully that the subject matter of Claims 1, 8, 9, and 12 is the same as that of Claims 28, 6, 7, and 25, respectively, of the 697 patent, Applicants have nonetheless canceled Claims 28, 6, 7, and 25 for the sole purpose of advancing prosecution of this patent application. Accordingly, Applicants submit that the rejection is moot.

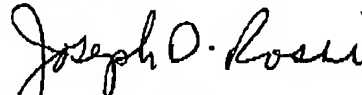
Appl. No. 10/602,279

Conclusion

Applicants believe that the foregoing constitutes a complete and full response to the Action of record. Applicants respectfully submit that this application is now in condition for allowance. Accordingly, an indication of allowability and an early Notice of Allowance are respectfully requested.

The Commissioner is hereby authorized to charge the fee required and any additional fees that may be needed to Deposit Account No. 01-0493 in the name of Air Products and Chemicals, Inc.

Respectfully submitted,



Joseph D. Rossi
Registration No. 47,038
7201 Hamilton Boulevard
Allentown, PA 18195-1501
(610) 481-8169